

MEETING OF

THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy. Dover, Delaware, December 13, 2006, with the following members in attendance:

Robert F. Garey, Chairman	Mark Davis (representing Michael T. Scuse, Secretary of Agriculture)
William Vanderwende, Vice Chairman	Theodore P. Bobola, Jr.
Lyn Davenport, Secretary	Ann Visalli, Deputy State Treasurer (representing Jack Markell, State Treasurer)
W. Allen Jones, Treasurer	
G. Ray Staats	Kevin Coyle (representing John Hughes, Secretary of DNREC)

Absent: Alden Hopkins.

The following staff members were in attendance: Michael McGrath, Howard Mesick, Milton Melendez, Danielle Klosowski, Cathy Mesick, and Robin West.

Others in attendance: F. Michael Parkowski, Ms. Dawn Webb, Mr. Philip Tuthill, Mr. Thomas Webb, Mr. Jim Lampkin (Millennium Land Development), Mr. Michael Harrington, Jr. (Harrington Realty), Ms. Tammy Bailey (AOA), and Ms. Stacey Wynne (AOA).

Chairman Garey opened the meeting at 8:37 a.m. with prayer.

I. Progress Report:

Milton Melendez informed the Board that we have a total of 673 farms in preservation districts totaling 146,013 acres, with a total of 462 farms under agricultural easements totaling 82,218 acres at a cost of \$119,197,828. For PDR 12 there are a total of 106 farms comprising 13,338 acres with a value of \$202,256,716 to be considered for purchase of development rights.

The Chairman informed the Foundation Board that the Farm Bureau has really been pushing for funds for farmland preservation.

II. District Final Approval:

1. The Everline District, ID#K-06-04-244. After discussion, **William Vanderwende moved to accept for final approval the Everline District, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**

III. Expansion Eligibility/Final Approval

1. The Kenneth Newberg Expansion of the Kenneth Newberg District, ID#K-06-11-179B. After discussion, **Lyn Davenport moved to accept for eligibility/final approval the Kenneth Newberg Expansion of the Kenneth Newberg District, seconded by Allen Jones. Motion unanimously approved.**

2. The Boondock Farm Expansion of the Van Dyke Tract District, ID#N-06-11-129E. After discussion, **Kevin Coyle moved to accept for eligibility/final approval the Boondock Farm Expansion of the Van Dyke Tract District, seconded by Theodore P. Bobola, Jr. Motion unanimously approved.**

3. The Fay Ellis Jones Expansion of the Southwest Corner District, ID#S-06-11-061E. After discussion, **William Vanderwende moved to accept for eligibility/final approval the Fay Ellis Jones Expansion of the Southwest Corner District, seconded by Lyn Davenport. Motion unanimously approved.**

IV. Public Comments – No public comments were forthcoming.

V. Minutes - Chairman Garey asked if there were additions or corrections to the November 8, 2006 minutes. Receiving no additions or corrections to the minutes, **William Vanderwende moved the minutes be approved,**

seconded by Kevin Coyle. Motion unanimously approved.

VI Financial Highlights:

A. Financial Summary

Cathy Mesick informed the Foundation Board that we had, as of November 30, 2006, \$28,418.15 in the Foundation's checking account. The Foundation's interest bearing State of Delaware account had a balance of \$100,816.79. Revenue for the month of November consisted of \$2,434.26 Kent County rollback tax and \$963.33 Sussex County rollback tax. Expenditures for the month of November totaled \$9,487.81. After discussion, **G. Ray Staats moved to accept the Financial Report as presented, seconded by Kevin Coyle. Motion unanimously approved.**

Michael McGrath informed the Board that we had just received an additional \$250,000 from the first Transfer of Development Rights transaction to go through in Delaware; this was in New Castle County.

B. Audit Presentation

The audit presentation was made by Tammy Bailey and Stacey Wynne of the Auditor's Office. The Foundation received an unqualified audit. There were no internal control matters. There were some minor matters, which the bookkeeper will address under the direction of the Chief of Planning. The auditors suggested that instead of having more than one audit that it would be less expensive and time consuming to have only one audit of all the Foundation funds.

VII. Executive Session – There was no need for an Executive Session.

VIII. Other Business:

A. Bobola – Voshell's Cove District ID#K-97-01-163 – Lot #4 of Stonewater Creek Development

Michael Parkowski presented the problem of one lot in the Stonewater Creek Development where there was a four inch encroachment into the 50 foot setback. It had been suggested by the party involved that perhaps the Foundation could grant a variance in this case. Michael Parkowski informed the Board that the Foundation did not have the authority to grant a variance in this matter. However, we could issue a letter which stated that we did not intend to sue because of the encroachment. This would allow the landowner to get title insurance.

Vice Chairman Vanderwende instructed Mr. Parkowski to draft the letter in such a way that it shows the Foundation does not allow this type of encroachment into the 50 foot setback. Chairman Garey wanted to make certain that this would not set a precedent as to what the Foundation will do in the future. The Chairman wished it to be noted that we do not consider this a minor matter.

After further discussion, **William Vanderwende moved that the letter should be written to the attorney, R. Brandon Jones, seconded by G. Ray Staats. Mr. Theodore P. Bobola, Jr. abstained from voting due to conflict of interest. Motion unanimously approved with the abstention of Mr. Bobola.**

B. Murderkill River Estate Expansion of the Miller District, ID#K-98-12-005A
Utility Easements & Road Improvements Right-of-Way

Mr. Jim Lampkin presented the request for the easements and road improvements. Michael Parkowski informed the Board that the easements satisfy our requirements. After discussion, **Lyn Davenport moved to accept the utility easements and road improvements right of way, seconded by G. Ray Staats. Motion unanimously approved.**

IX. Adjournment

As there was no further business to come before the Foundation, the meeting adjourned at 9:50 a.m. The next meeting of the Foundation will be held January 10, 2007 at the Delaware Department of Agriculture, beginning at 8:30 a.m.

Respectfully submitted,

Lyn Davenport
Secretary